



References – Some questions and answers

What is a ‘reference’?

The Charities Act 2011 allows the Attorney General (or the Charity Commission with the Attorney General’s consent) to ‘refer’ certain questions of charity law to the Tribunal for a ruling. ‘Charity law’ is defined for these purposes in section 331(1) of the Charities Act 2011, www.legislation.gov.uk/ukpga/2011/25/section/331

‘References’ are therefore a different type of case for the tribunal. They differ from an appeal or an application for review (which are usually brought by a charity or a trustee or a beneficiary of a charity) in that they involve general questions of charity law rather than the consideration of a specific decision direction or order made by the Charity Commission.

Certain persons who are or may be affected by the reference can apply to join in the reference proceedings – they must do so within 42 days of the date when the tribunal publishes details of the reference.

What is the law governing references?

The relevant law in relation to references is:

- [Section 315 \(2\) \(b\) of the Charities Act 2011](#) and
- [Sections 325 to 331 of the Charities Act 2011](#)

What are the Procedural Rules concerning references?

The relevant procedural rules governing references are The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended by the Tribunal Procedure (Amendment) Rules 2012.

You can view the Rules on the GRC website.

Who is the Attorney General?

The current Attorney General is Dominic Grieve QC MP. More information about the Attorney General’s office is available at www.gov.uk/government/organisations/attorney-generals-office/about

How will I know if the General Regulatory Chamber (Charity) has received a reference from the Attorney General or the Charity Commission?

If and when a reference is received, it will be entered into the Register of Cases on this website (see the charity case register which can be found on the GRC page).

Can I get involved in the reference?

The tribunal can give permission for:

- (a) the charity trustees of any charity which is likely to be affected by the tribunal's decision on the reference;
 - (b) any such charity which is a body corporate; and
 - (c) any other person who is likely to be so affected;
- to be joined as a party to the reference proceedings.

There is no set procedure for applying to be joined as a party, if you think you fall into one of the categories above you can write to the following address, asking to be joined as a party to a reference. You will need to explain how you are likely to be affected by the tribunal's decision on the reference. The tribunal will then consider whether to give you permission to join as a party. Write to:

The General Regulatory Chamber (Charity)
PO Box 9300
Leicester
LE1 8DJ

Telephone: 0300 1234504
Fax: 0116 294 4253
E mail grc.charity@hmcts.gsi.gov.uk

You can find information about previous tribunal decisions on references here under charity at www.judiciary.gov.uk/media/tribunal-decisions